

No. 22,622

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

ANDREW G. HOLQUIN, )  
 )  
 Appellant, )  
 )  
 -vs- )  
 )  
 FRANK A. EYMAN, Warden, )  
 Arizona State Prison, )  
 et al, )  
 )  
 Appellees. )  
 )

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FILED

MAY 17 1968

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APPELLEES' ANSWERING BRIEF

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DARRELL F. SMITH  
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the State of Arizona

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Attorneys for Appellees



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I N D E X

Page

QUESTION PRESENTED

WHETHER APPELLANT'S CONVICTION AND  
SENTENCE WERE OBTAINED AS A RESULT  
OF AN INVOLUNTARY AND COERCED PLEA  
OF GUILTY

1

ARGUMENT

1

CONCLUSION

3

AFFIDAVIT

4



### QUESTION PRESENTED

The only question of any real substance presented by appellant is whether his conviction and sentence were obtained as a result of an involuntary and coerced plea of guilty.

### ARGUMENT

The United States District Court in Phoenix, Arizona, Judge William P. Copple, presiding, conducted a full and fair evidentiary hearing into substantially all the matters raised herein by the appellant on November 14, 1967. It determined that there was no merit to any of them. The court characterized almost all of appellant's assertions (i.e., those which claimed a conspiracy against appellant evidenced by "false and fraudulently prepared" minute entries and various other documents) as "completely without merit, and patently ridiculous." The appellees feel that nothing further need be said in this regard, as the record is clear that the United States District Court was right.

As to the question of "coerced plea" (supra) the





court, after the said full and fair evidentiary hearing, said "a review of the record of the State court proceedings and testimony before this court lends no support to appellant's [petitioner's] allegations. . . ."

The appellees are constrained to limit their argument in this regard also to the findings and conclusions of the court below, which were made after what the record will show was a full and fair hearing.

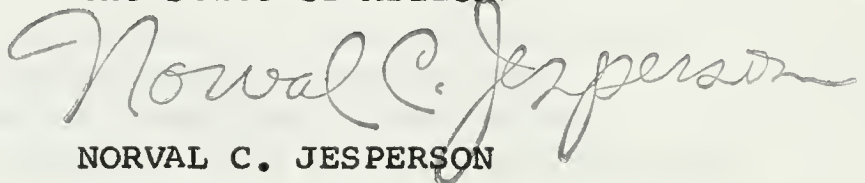


CONCLUSION

For the foregoing reasons, and others, this Honorable Court should affirm the order of the United States District Court in Phoenix, Arizona, denying the appellant's petition for a writ of habeas corpus.

Respectfully submitted

DARRELL F. SMITH  
The Attorney General of  
the State of Arizona

A handwritten signature in cursive script, reading "Norval C. Jespersen". The signature is written in dark ink and is positioned to the left of the typed name below it.

NORVAL C. JESPERSON  
Assistant Attorney General

Attorneys for Appellees



AFFIDAVIT

STATE OF ARIZONA     )  
                                  )   ss.  
COUNTY OF MARICOPA )

NORVAL C. JESPERSON, being first duly sworn upon oath, deposes and says:

I certify that, in connection with the preparation of this brief, I have examined Rules 18, 19 and 39 of the United States Court of Appeals for the Ninth Circuit, and in my opinion, the foregoing brief is in full compliance with those rules.

That I served the appellant in the foregoing case by forwarding two (2) exact copies of Appellees' Answering Brief in a sealed envelope, first-class postage prepaid, and deposited same in the United States mail addressed to:

Mr. Andrew G. Holquin  
Box B-25940  
Florence, Arizona

this 30 day of April, 1968.

Norval C. Jesperson

SUBSCRIBED AND SWORN to before me this 30 day of (SEAL) April, 1968.

MADELON W. PRAH  
Notary Public

My Commission Expires:

October 18, 1970





